

REMARKS

Claims 1-8, 10-12, 14, 15 and 17-26 are pending in the present application. With entry of this Amendment, Applicants amend claims 1, 15, 17, 21, 23, 25 and 26 and cancel claims 5, 6, 14 and 24 without prejudice. Reexamination and reconsideration are respectfully requested.

The Examiner rejected the pending claims under 35 U.S.C. § 103(a) as being unpatentable over Katz et al. (US 5926624) in view of Shnelvar (US 6374266). The rejection is respectfully traversed.

The present invention, as set forth in claim 1, is directed to a program creation/supply apparatus. The apparatus communicates with a client apparatus via a communication network. The program creation/supply apparatus has a processor section. This section prompts the client apparatus to select one or more items of content (e.g., songs) and to input additional information comprising a user's comment in correspondence with the selected item(s) of content. The processor of the program creation/supply apparatus creates a program file defined by the selected items and including the additional information.

This file is stored in the storage section of the program creation/supply apparatus and is available to another client apparatus or user. A second client apparatus on the communication network can select a stored program file and the program creation/supply apparatus can read out and transmit the desired file to the second client apparatus via the communication network. If the desired file includes additional information, it will be reproduced in the second client apparatus while the corresponding item in the file is reproduced. In this manner, the present invention allows a user to create a program file with additional information comprising a user's comment, makes available the created file to another client apparatus or user and transmits a file to another client apparatus.

Applicants have amended claim 1 including to incorporate the recitations of claims 5, 6 and 14 and have canceled these claims accordingly. It is believed that Katz and Shnelvar do not disclose at least three sets of recitations in claim 1. Each will be addressed below.

A

First, the claimed apparatus allows for the creation of a program file that includes additional information comprising a user's comment from a client apparatus via a communication network.

Amended claim 1 recites that the processor section of the program creation/supply apparatus is adapted to "prompt the client apparatus to select one or more items of content and to input desired additional information in correspondence with the one or more items of content selected by the client apparatus, said additional information comprising a user's comment to be displayed in a client apparatus while a selected corresponding item of content is being reproduced in the client apparatus" and "create a program file defined by the selected one or more items of content and including additional information, on the basis of content selection information and the addition information transmitted from the client apparatus via the communication network."

Katz is directed to a system where multimedia data is communicated between a library server 260 and a client 214 in a secured manner. (See, e.g., Fig. 2.) The client 214 has a browser that allows a user to browse, preview, select, purchase and take delivery of information from the library server 260. (See, e.g., Col. 8, line 5 to Col. 9, line 6.) The Examiner apparently considers such a request to purchase information as meeting the recitation relating to additional information comprising a user's comment. Applicants respectfully disagree. Claim 1 recites that the additional information comprising a user's comment becomes part of the file that is created by the program creation/supply apparatus. There is no disclosure or suggestion in the column 8 that the request by the client 214 becomes part of a file created by the library server 260. The request is simply a demand for downloading information from the library server 260 to the client 214. That is, there is no disclosure or suggestion that the library server somehow creates a file having the request.

The Examiner also cited column 16. Col. 16, lines 34-62 and Fig. 7 of Katz discloses another embodiment in which the client 214 can store a subset of files from the library server 260 in a "local" library 710. The local library can be used to for searching, sorting and abstracting the

locally stored content. (Col. 16, lines 47-49.) Note that local library 710 is located at the client side as illustrated in Fig. 7. Thus, content such as an abstract is created locally. The content is not created in a file across the network in the library server 260. In contrast, claim 1 requires that a program file to be created in the program creation/supply apparatus based on information, including additional information, transmitted from the client apparatus via the communication network.

It is believed that Shnelvar does not make up for the deficiencies of Katz given that it was not cited for the above recitations of claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Katz and Shnelvar for at least the reasons discussed above.

B

Second, the claimed apparatus stores the created program file which is available to another client apparatus or user on a predetermined site.

Amended claim 1 recites that the processor section of a program creation/supply apparatus is adapted to “store the created program file in said storage section, wherein the created program file stored in said storage section is not only usable by the client apparatus having created the program file or a user of the client apparatus, but also usable by another client apparatus or a user of the another client apparatus, so that the created program file is made available as content on the predetermined site.”

Katz fails to disclose this recitation in the cited columns. In the embodiment of column 8, there is no file created with additional information comprising a user’s comment as discussed above. Thus, it follows that the cited embodiment does not disclose the storage of a file with the additional information in the library server 260 nor does it disclose that the file is usable by another client apparatus or user.

In the embodiment described in column 16 (Fig. 7), content such as an abstract can be accessed by other clients. (See Col. 16, lines 53-55.) The content is stored locally at local library server 710 with the creating client terminal 214. It is not stored with the library server 260. In

contrast, claim 1 makes clear that the created program file is stored with the program creation/supply apparatus and not the client apparatus.

It is believed that Shnelvar does not make up for the deficiencies of Katz given that it was not cited for the above recitation of claim 1. Accordingly, Applicants respectfully submit that claim 1 is patentable over Katz and Shnelvar for at least the reasons discussed above.

C

Third, the program creation/supply apparatus prompts a client apparatus to select a desired program and transmits the desired file to the client apparatus via the communication network. If the desired file includes additional information comprising a user's comment, that information is reproduced while the corresponding item in the file is reproduced.

Claim 1 recites a program creation/supply apparatus adapted to "prompt a client apparatus on the communication network to selected a desired program file" and "read out the selected desired program file from said storage section on the basis of content selection information transmitted from the client apparatus via the communication network and transmit the selected desired program file to the client apparatus." As discussed above in section A, claim 1 recites "said additional information comprising a user's comment's to be displayed in a client apparatus while a selected corresponding item of content is being reproduced in the client apparatus."

In the embodiment of column 8, Katz discloses that the client 214 can request and receive content from library server 260. The Examiner, as discussed above, apparently views the request as meeting the recitation relating to additional information comprising a user's comment. Even if this position is accepted (which Applicants do not), there is no disclosure or suggestion that the request is reproduced with the content at the client 214. All that Katz discloses is that the content is simply transmitted to the client 214 for playback. There is no disclosure or suggestion that the request is also reproduced during playback. Similarly, in the embodiment of column 16 (Fig. 7), there is no disclosure or suggestion that an abstract of a content item is reproduced while the content item is being reproduced.

Shnelvar appears to be directed to segmenting and storing data in a large capacity recording device system. The Examiner has cited Shnelvar as teaching "a selected corresponding item of content is being reproduced in the client apparatus." (See Office Action at pages 3 and 5.) It is unclear how such a teaching, even if correct, addresses the deficiencies of Katz. Katz already discloses that the client apparatus can playback a downloaded item. What Katz fails to disclose is that a desired program file can be transmitted to a client apparatus and, if that file contains additional information, then that information is reproduced while a corresponding item in the file is being reproduced. The cited sections of Shnelvar are similarly deficient. Col. 3, lines 7-35 of Shnelvar merely refers to identifying duplicate file copies based on an examination of the files. Col. 14, lines 48-67 merely relates to storing a file with additional data.

Moreover, there is no motivation to combine Katz and Shnevlar. There would be no need to reproduce the request or abstract in the Katz embodiments discussed above with its corresponding content item. The reasons provided by the Examiner, such as reducing the volume of data stored or reducing redundancy of files, do not make sense when the additional information is a request or an abstract.

Accordingly, Applicants respectfully submit that claim 1 is patentable over Katz and Shnelvar for at least the reasons discussed above.

Applicants respectfully submit that claims 2-4, 7, 8, 10-12 and 15 which depend from claim 1 are patentable over Katz and Shnelvar for at least the reasons set forth above. Applicants note that they have amended claim 15 to depend from claim 1 rather than canceled claim 14.

Applicants have similarly amended independent claims 17, 23 and 25 and respectfully submit that these claims and the dependent claims of claim 17 are patentable over Katz and Shnelvar for at least the reasons set forth above with respect to claim 1.

Applicants have amended independent claims 21 and 26 as discussed in section B above and respectfully submit that these claims and the dependent claim of claim 21 are patentable over Katz and Shnelvar for at least one or more of the reasons set forth above with respect to claim 1.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicants request that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5630 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing Docket No. 393032028900.

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Respectfully submitted,

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